REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 33-39, 43, and 44 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 33-44 are now pending in this application.

## Claim Rejections – 35 U.S.C. § 101

On page 2 of the Office Action, the Examiner rejected claims 34-37 and 40-42 under 35 U.S.C. § 101, concluding that "the claimed invention is directed to non-statutory subject matter." The Examiner stated that "§101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing." The Examiner further stated that "regarding the first test, in performing the steps of the claimed subject matter, there is no requirement that a machine be used, thus the claims are not considered sufficiently tied to another statutory class," and "[r]egarding the second test, since the claims subject matter may be performed using only human intelligence, the steps do not sufficiently transform the underlying subject matter to be statutory."

The Examiner concluded that "claims 34-37 and claims 40-42 are merely describing loan data, and thus not sufficiently tied to another statutory class (i.e. product or thing)." However, claims 34-37 depend from independent claim 33, while claims 40-42 depend from independent claim 39. Both independent claims 33 and 39 recite statutory subject matter. (Claims 33 and 39 both recite a "computer database." In addition, claim 33 states that "the method is performed by

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a computer system associated with a participant in the secondary market" and recites a "web interface." Similarly, claim 39 recites a "computer interface.") The Applicant notes that the Examiner did not reject independent claims 33 and 39 under 35 U.S.C. § 101. Consequently, dependent claims 34-37 and 40-42 are also directed to statutory subject matter by virtue of the fact that they incorporate the limitations of claims 33 and 39, respectively. See 35 U.S.C. § 112 ¶ 4.

For the reasons stated above, the Applicant respectfully requests withdrawal of the rejections of claims 34-37 and 40-42 under 35 U.S.C. § 101.

## Claim Rejections – 35 U.S.C. § 102

On page 3 of the Office Action, the Examiner rejected claims 33-44 under 35 U.S.C. § 102(e) as being anticipated by Heffner et al. U.S. Pub. No. US 2003/0018558 A1 ("Heffner").

Claim 33 is in independent form and recites:

A method of displaying information in a data processing system for processing loan information, comprising:

providing a web-based interface accessible to a seller of mortgage loans, the web-based interface including *an interface configured to permit the seller to associate a unique seller assigned marketing name with each of a plurality of different types of loan products* the seller is eligible to sell to a purchaser, the different types of loan products including home mortgage loan products with different sets of attributes;

providing a computer database coupled to the web-based interface and configured to store data for the different types of loan products the seller is eligible to sell to the purchaser, wherein the data for *each loan product includes a purchaser-assigned name*;

displaying a loan product list to the seller via the web-based interface;
receiving a customization request from the seller via the web-based interface, including receiving a selection of a product type and *receiving a request to associate a seller assigned marketing name with the product type*;

*receiving the seller assigned marketing name from the seller for the product type, the seller assigned marketing name being different than the purchaser-assigned name;*

*storing the association of the seller assigned marketing name with the product type in the computer database;*

displaying the seller assigned marketing name in place of or in addition to the product type following the association;

permitting the seller to enter into a commitment to sell a loan identified by the seller assigned marketing name;

wherein the method is performed by a computer system associated with a participant in the secondary mortgage market.

Regarding independent claim 33, the Examiner stated that <u>Heffner</u> discloses "a method of displaying information in a data processing system for processing loan information" comprising, among other elements, "providing a web-based interface accessible to a seller of mortgage loans (see the abstract), the web-based interface including an interface configured to permit the seller to associate a unique seller marketing name with each of a plurality of different types of loan products the seller is eligible to sell to a purchaser (i.e., loans in the pool, see paras 0270-0271, <u>Heffner</u> further describes different types of loan in the seller published loan pool i.e., sub-prime, jumbo, conforming, home equity products)."

<u>Heffner</u> discloses a centralized online trading system for trading of financial products. (see Abstract, Paragraphs 0040-0046). According to paragraphs [0270-0271], a buyer may make an offer and/or comments for a loan or loan pool. For example, "a buyer who is not bidding on a particular pool, may still be able to submit a comment on the pool … to tell the seller that the loans in the pool meet his criteria but were originated from an undesirable geographic region." (Paragraph 0270). In paragraph [0271], <u>Heffner</u> further discloses that buyers' offers and comments are used to calculate market prices "for different types of loans, which includes fixed, adjustable, and balloon mortgages, as well as first-lien (sub-prime, jumbo, conforming), and second lien (sub-prime, home equity, home non-equity, Title I) products." Although <u>Heffner</u> lists different types of loans, it does not disclose an interface configured to permit the seller to associate a unique seller assigned marketing name with each type of loan product as recited in claim 33, wherein the seller assigned marketing name is different than a purchaser assigned

name. The concept of different seller and purchaser names for the same type of loan product does not appear to be taught or suggested in Heffner, much less the concept of an interface that is configured to receive a seller assigned name for a loan product.

The Examiner also concluded that Heffner discloses "receiving a customization request from the seller via the web-based interface (i.e. characteristic/profile of a pool of a loan, see paras 0164-0168), including receiving a selection of a product type and receiving a request to associate a seller assigned marketing name with the product type (i.e. pool and product, see fig. 24, also see paras 0164-0168) ". The Examiner stated that "the published loan profile inherently contains seller marketing loan for the loan product i.e., FHLMC Gold and GNMA 1 PRODUCT."

Paragraphs [0164-0168] discuss trading of pools of loans the seller plans to originate in the future. The seller may post profiles of these pools on the open trading platform, providing high level information on the loans since the loans do not yet exist. (Paragraphs 0164-0168). For example, a forward pool may include "FHLMC Gold and GNMA I product (Fixed rate, 30 year) where at least 50% of loans will be FHLMC product and where for GHMNA loans, FHA/VA rations will be roughly 50%." (Paragraph 0168). According to this example, a pool of loans may have more than one loan product associated with it. Accordingly, Applicant respectfully submits that a pool name in Figure 24 is not a name associated with a specific type of loan product, as recited in claim 1. Moreover, FHLMC Gold and GNMA 1 products mentioned in paragraph [0168] appear to stand for the purchaser assigned names, where the purchasers are FHLMC (Federal Home Loan Mortgage Corporation or "Freddie Mac") or GNMA (Government National Mortgage Association or "Ginnie Mae"). In any event, Heffner fails to disclose *both the "purchaser assigned" names and "seller assigned marketing" names* for loan products.

Citing to paragraph [0123], the Examiner stated that Heffner discloses "providing a computer database coupled to the web-based interface and configured to store data for the different types of loan products the seller is eligible to sell to the purchaser, wherein the data for each loan product includes a purchaser-assigned name." Paragraph [0123] refers to Table 3,

which provides a summary of the databases used in the disclosed trading systems. However, neither paragraph [0123] nor Table 3 disclose a database storing data for each loan product including "purchaser-assigned name" as recited in claim 33.

Claim 33 also recites "storing the association of the seller assigned marketing name with the loan product type in the computer database." The Examiner stated that "Heffner discloses the storage of loan information in database – see paras 0043, which inherently includes the seller marketing name with the product type." Storage of loan information in database is not the same as "storing the association of the seller assigned marketing name with the loan product type in the computer database." Heffner does not appear to disclose storing **both the "purchaser-assigned name" and the "seller assigned marketing name"** along with the loan product types.

Finally, the Applicant respectfully disagrees with the Examiner that paragraphs [0164-0168] disclose "receiving a seller assigned marketing name from the seller for the product type." The trading system disclosed in Heffner does not receive "a seller assigned marketing name from the seller for the product type."

For the reasons stated above, Heffner does not identically disclose a method of displaying information in a data processing system for processing loan information as recited in independent claim 33. Accordingly, independent claim 33 is not anticipated by Heffner. Dependent claims 34-38, which depend from independent claim 33, are also patentable. See 35 U.S.C. § 112 ¶ 4.

Independent claim 39 recites similar language to claim 33. Therefore, for at least the reasons stated above regarding claim 33, claim 39 is not anticipated by Heffner. Dependent claims 40-44, which depend from independent claim 39, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of claims 33-44 under 35 U.S.C. § 102(e).

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _____ 11-21-08 _____     By _____ /David G. Luettgen/ _____

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